

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

PRESIDENT PHILIP:

The regular Session of the 90th General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our prayer today will be give by Senator Geo-Karis. Senator Geo-Karis.

SENATOR GEO-KARIS:

(Prayer by Senator Geo-Karis)

PRESIDENT PHILIP:

Senator Sieben, for the Pledge of Allegiance.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

We've had some requests to film our proceedings today. WCIA-Channel 3, Randy Squires with the Associated Press, and WLS-TV and WBBM Radio. Is leave granted? Leave is granted. We also have some other additions. WGN-TV and -- is leave granted? Leave is granted. Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Thursday, May 22nd; Friday, May 23rd; Tuesday, May 27th; Wednesday, May 28th; and Thursday, May 29th, in the year 1997, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and the approval of the Journals, pending the arrival of the printed transcript. There being no objection, so ordered. Messages.

SECRETARY HARRY:

A Message from the President, May 30th, 1997.

Dear Mr. Secretary - Pursuant to the provisions of Senate Rule 2-10(e), I hereby extend the deadlines for final action on the following categories of bills, with specific bills enumerated below under these categories, to January 1st, 1998:

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

Education Funding and Reform, specifically, Senate Bills 1 and 2; Judicial Redistricting, specifically, Senate Bills 175, 944, 945 and 1009; Managed Care, specifically, Senate Bill 131; Pensions, specifically, Senate Bill 138; and Job Training, specifically Senate Bill 77.

Signed by President Philip.

Another Message from the President, May 30th, 1997.

Dear Mr. Secretary - Pursuant to the provisions of Senate Rule 2-10(e), I hereby extend the deadline for following {sic} (final) action on the following categories of bills, with specific bills enumerated under these categories, to January 1st, 1998:

Human Services, specifically, House Bills 204, 1633 and 1707; Energy Issues, specifically, House Bill 362; Education, specifically, House Bills 449, 1627 and 1696; Elections, specifically, House Bill 729; and Pensions, specifically House Bill 110.

Signed by President Philip.

PRESIDENT PHILIP:

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 645, together with the following amendments, which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendments 1 and 2 to Senate Bill 645.

Passed the House, as amended, May 29th, 1997.

PRESIDENT PHILIP:

Committee Reports.

SECRETARY HARRY:

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

Senator Syverson, Chair of the Committee on Public Health and Welfare, reports Senate Amendments 1 and 2 to House Bill 204 Be Adopted; Senate Amendment 1 to House Bill 1707 Be Adopted.

And Senator Klemm, Chair of the Committee on Executive, reports Senate Resolutions 81, 84 and 85 Be Adopted; Senate Resolution 83 Be Adopted, as Amended; and House Joint Resolution 12 Be Adopted, as Amended.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...32 has requested leave -- permission to videotape the proceedings. Hearing no objection, leave is granted. WAND Channel 17 has requested permission to videotape the -- to photograph the proceedings. Hearing no objection, leave is granted. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Re-referred from Executive to Rules - House Joint Resolution 20 and House Joint Resolution 24; referred to the Committee on Executive - House Joint Resolution 15; to the Committee on Revenue - House Bill 1696, the Motion to Concur with House Amendments 1 and 2 to Senate Bill 645, House Bill 1627, Senate Amendment 2 to House Bill 449; and Be Approved for Consideration - House Joint Resolution 20 and House Joint Resolution 24.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Daniel Asac from -- photographers for the Illinois State Medical Society requests permission to take photographs of the proceedings. Hearing no objection, leave is granted. Senator Larry Walsh, what purpose do you rise?

SENATOR L. WALSH:

Mr. President, rise for a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

SENATOR L. WALSH:

Mr. President and Ladies and Gentlemen of the Senate, it's an honor for me to announce or introduce an individual that is no stranger to this Chamber, who served with distinction for ten years in the Illinois Senate, who is now serving with distinction and doing an excellent job as our new Associate Judge in Will County; a great friend of mine and all of yours, former Senator Tom Dunn.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Welcome to Springfield, Judge Dunn. ...Peterson, what purpose do you rise?

SENATOR PETERSON:

Thank you, Mr. President. For the purposes of an announcement. The Senate Revenue Committee will meet in Room 212 at 11:45 to consider House amendments to Senate Bill 645, and Amendment 2 to House Bill 449. 11:45 in Room 212.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...as a reminder to the Membership that the Revenue Committee will be meeting at 11:45 in Room 212, and the Senate will stand at ease until the call of the Chair.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will be in order. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned:

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

Re-referred from Executive to Rules - House Joint Resolution 15; from Revenue to Rules - House Bill 1696 and House Bill 1627, that's a reference from Revenue to Rules; to the Committee on Commerce and Industry - Conference Committee Report 1 to Senate Bill 663, Conference Committee Report 1 to Senate Bill 469, and Conference Committee Report 1 to House Bill 228; referred to the Committee on Executive - Conference Committee Report 1 to Senate Bill 1019; to the Committee on Insurance and Pensions - Conference Committee Report 1 to House Bill 223, Senate Amendments 1 and 2 to House Bill 110, and Conference Committee Report 1 to House Bill 23; to the Committee on Local Government and Elections - Conference Committee Report 1 to Senate Bill 713; to the Committee on Revenue - Senate Amendment 3 to House Bill 449; to the Committee on Transportation - Conference Committee Report 1 to Senate Bill 454; and Be Approved for Consideration - House Joint Resolution 15, House Bill 1696, House Bill 1627, Conference Committee Report 1 to Senate Bill 670, Conference Committee Report 1 to House Bill 994, and Conference Committee Report 1 to Senate Bill 381.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose Senator Peterson seek recognition?

SENATOR PETERSON:

Thank you, Mr. President. To announce a Revenue Committee meeting at approximately 4:30 in Room 212 to consider Amendment 3 to House Bill 449. 4:30 in Room 212.

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will stand in Recess until the call of the Chair.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

PRESIDENT PHILIP:

The Senate will come to order. I would hope that the Members would come up to the Floor of the Senate. We're going to work on Supplemental Calendar No. 1, and I would suggest you get up here. Thank you. Committee Reports.

SECRETARY HARRY:

Senator Peterson, Chair of the Committee on Revenue, reports Senate Amendment 3 to House Bill 449 Be Adopted.

PRESIDENT PHILIP:

Messages from the House.

SECRETARY HARRY:

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 55, together with House Amendment No. 1.  
Passed the House, as amended, May 30th, 1997.

PRESIDENT PHILIP:

Resolutions.

SECRETARY HARRY:

Senate Resolution 89, offered by Senators Jones, Smith and all Members.

It's a death resolution, Mr. President.

PRESIDENT PHILIP:

Consent Calendar.

SECRETARY HARRY:

And Senate Resolution 90, offered by Senator O'Malley.  
It's substantive.

PRESIDENT PHILIP:

Introduction of Bills. Believe it or not.

SECRETARY HARRY:

Senate Bill 1188, by Senator Cullerton.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Turn your Calendar -- your -- your attention to Supplemental Calendar No. 1. On the top of page 2 in the Order of House Bills 2nd Reading is House Bill 1627. Senator Watson, on House Bill 1627, do you wish the bill read? Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1627.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Are there any Floor amendments -- 3rd Reading. House Bill 1696. Senator Philip. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1696.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. ...now go to the Order -- in the middle of page 2 of Supplemental Calendar No. 1, the Order of Conference Committee Reports. Mr. Secretary, do you have a file on Conference Committee Report on -- Senator -- Senator O'Daniel. Mr. Secretary, Conference Committee Report on House Bill 994.

SECRETARY HARRY:

Yes, Mr. President. First Conference Committee Report on House Bill 994.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. Senate Amendment 1 allows funding for eligible operating expenses to

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

exceed the ten-percent increase over the maximum established for the preceding year for participants that are expanding a transportation district. This applies only to two transportations districts: the South-Central Illinois Mass Transit District and the RIDES District in southern Illinois. I move to accept the Conference Committee Report.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 to House Bill 994. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And the Senate does adopt Conference Committee Report No. 1 to House Bill 994, and the bill, having received the required constitutional majority, is declared passed. Senator Fawell, on Senate Bill -- Conference Committee Report No. 1 to Senate Bill 381. Senator Fawell. Senator Fawell. Mr. Secretary.

SECRETARY HARRY:

First Conference Committee Report on Senate Bill 381, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This Conference Committee cleaned up the language as far as the frivolous lawsuits so that it explains exactly what a frivolous lawsuit is, and it also has language that amends the State Appellate Defender's Act to allow a competitive bidding program for attorneys. This has been requested by the State Bar.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Shaw.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

SENATOR SHAW:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Shaw.

SENATOR SHAW:

Yes. Senator, would you explain to us -- and this is a conference report that I signed, but would you explain to the Body what a frivolous lawsuit is?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell.

SENATOR FAWELL:

Just a minute, I'm looking for the -- here's the language. It's in -- it's in Amendment No. 4... It's -- it's the language that the federal courts use on a frivolous lawsuit.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Beg -- beg your pardon? I didn't hear that last part you said.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell.

SENATOR FAWELL:

It's -- it's in Amendment No. 1 and it is defined exactly as the federal law defines frivolous lawsuits.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Would you say -- I'm not certain that you recall the name of the four Ford Heights people that was on death row. Would you say that -- they filed a lawsuit dealing with their case. Would you say that those are the type of frivolous cases that we are prohibiting here?

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell.

SENATOR FAWELL:

No. We're -- that's not the kind of lawsuit we're talking about. We're talking about, you know, somebody's cookie's crumbled or something like that. I really -- what you -- would be defined as -- as frivolous in -- in everyday language.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Well, that's what I'm trying to determine, who's cookie has crumbled as it relate to this matter. Some people would have said that the four people that -- in Ford Heights was -- cookie was crumbled, because they seem to have had all of the evidence and if it had not been for the DNA, they -- all right. You can answer. Go ahead.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell.

SENATOR FAWELL:

Let me read the exact language. It says: "Frivolous" means a pleading, motion, or other filing which purports to be a legal document filed by a prisoner in his or her lawsuit which meets any or all of the following criteria: (1) it lacks an arguable basis either in law or in fact; (2) it is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; (3) the claims, defenses, and other legal contentions therein that are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of a new law; (4) the allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

support after reasonable opportunity for further investigation or discovery; or (5) the denials of factual contention are not warranted on the evidence, or if specifically so identified, are not reasonably based on the lack of information or belief.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Would -- would the -- would this language you've just read, would this make inmates, no matter whether they are on death row or whether they're just in there for a long period time, would this make them more hesitant in bringing about a -- a lawsuit, or filing a lawsuit?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell.

SENATOR FAWELL:

If there is any basis whatsoever in -- in -- in law, in fact, it should not whatsoever deter them. It's not till after the case is heard, that the -- that judge, himself, decides whether it's a frivolous lawsuit. It's not a -- it's not something that somebody decides before the fact. If, however, they are filing because their cookie crumbled, yes, it might make them hesitate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

I think the Senator just made my point, when she -- talk about after the fact. It wasn't till after the fact that these four young men that had been charged with robbery and murder in Ford Heights that they filed a lawsuit, and if it had not been for a good friend at, I believe it was Northwestern University, a professor up there -- a professor up there that joined in that suit with them and done the investigation - the background investigation - that would have been a frivolous lawsuit. But the

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

DNA -- with the advanced -- with the -- with the advancement in DNA testing, which was presented long after - I believe these young men was in there nineteen years - but because of the perfection of DNA, that it freed these young men. But the could have very easily been put to death. And that's the type of thing that we are talking about here, and we don't want to hamper the process. Certainly I don't want to clog up the system, but I think that, not only the four men there, earlier there had been another young man in the City of Chicago that had spent twenty-some years on a frivolous -- what we might consider a frivolous lawsuit, but that man, too, was freed because of DNA. And when we -- and the only thing that I'm saying here is this Body should be careful in terms of passing this type of legislation. We -- this might work to the disadvantage of some innocent person, in where that they would be afraid to file a legitimate lawsuit in court because some judge or -- or some prosecutor would call this a frivolous matter. And I ask you to -- maybe we should revisit this issue and look at it again, because one person is too much -- or one innocent person is too many to put to death because of the fact that they are afraid to file a lawsuit.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Collins.

SENATOR COLLINS:

Senator Fawell, I think when this bill was here before, I have some similar concerns that Senator Shaw has because what this bill actually does -- and I know it's not your intent to do so. I understand what you're trying to -- attempting to do is to minimize the -- the suits that's brought by inmates against prisons and -- and the institutions. But given the fact, Senator, our institutions are bad, and you know that -- they're not operating within the law, or properly, in many instances. You

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

know that the gangs have undue influence...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Collins. Senator Collins, I beg your pardon. Senator Collins.

SENATOR COLLINS:

You also know that the gangs have undue influence and liberties in -- in our prison systems, and you also know that there's a lot of coercion and there -- among members of those gangs and in cahoots with the guards in the institutions where they recruit others and make them do whatever it is that they want them to do. Now, if, in fact, charges are brought -- harassment is brought against one of those inmates and they decide that they -- they're going to stand up for their rights and file charges, what you're saying in this bill is that if they -- if they are -- after they go through the regular court proceedings and hearings, if they're somehow found -- the charges cannot be substantiated with documented proof, with the adequate research and et cetera, et cetera, that that person is going to be somehow fined because they dared to bring about a suit. What I think you're really doing here is you're on the line, if you've not gone over, due process, the whole Constitutional guarantee of due process here. I think you ought to take your time and look at what you're trying to do and do it in a narrower way so that you don't encourage people in the penal institutions from filing charges when there is administrative abuse, or gang abuse or any other kind of legitimate abuses in that system. That's what you're doing here in this bill the way it's drafted.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Fawell, to close.

SENATOR FAWELL:

Thank you very much. In the first gentleman's argument...

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

Senator Fawell, one second, please. Ladies and Gentlemen, this is the Illinois Senate, not the Illinois House. I'd appreciate it if you would remove all your conferences, and -- and keep proper decorum in the Chamber. Thank you. Senator Fawell.

SENATOR FAWELL:

The argument that it -- it says right in the bill, if it lacks arguable basis, either in law or in fact. What you stated to me, sir, would have been based in fact. As far as the lady's -- the number (5) says the denials of factual contention are not warranted on the evidence or, if specifically so identified, are not reasonably based on the lack of information or belief. Number (4) says the allegations and other factual contentions do not have evidential support or, if specifically so identified, are not likely to have evidential support after a reasonable - reasonable - opportunity for further investigation or discovery. I think both of your questions have indeed been answered. This is what the feds are doing. This will clear our dockets so those who have been convicted and shouldn't have been will have a better opportunity to bring their case up to a court of law quicker, because our dockets will no longer be so crowded that they have to wait years before they are even heard. I think this is a good bill. I think it is time to get it passed, and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate adopt Conference Committee Report No. 1 to Senate Bill 381. All those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 43 Ayes, 13 Nays, 1 voting Present, and the Senate does adopt Conference Committee Report No. 1 to Senate Bill 381, and the bill, having received the required constitutional majority, is declared passed. Senate Bill

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

670. Senator Cullerton. ...leave of the Body, we will return to Conference Committee Report No. 1 to Senate Bill 670, momentarily at the return of Senator Cullerton. Middle of page 2 of Supplemental Calendar No. 1 is the Order of Conference Committee Report, Senate Bill -- on Senate Bill 670. Mr. Secretary, do you have a file on Conference Committee Report No. 1 to Senate Bill 670?

SECRETARY HARRY:

Yes, Mr. President. The First Conference Committee Report on Senate Bill 670.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. Unfortunately, there's an error in the drafting of this Conference Committee. The House has already considered this Conference Committee and rejected it, and I want to do the same thing. Have a No vote on a motion to accept it, and then ask for a second conference committee.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate adopt Conference Committee Report No. 1 to Senate Bill 670. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 4 Ayes, 47 Nays, 1 voting Present. And the Conference Committee Report is not adopted, and the Secretary shall so inform the House. And Senator Cullerton requests a second conference committee report. Senator Demuzio, what purpose do you rise?

SENATOR DEMUZIO:

Thank you, Mr. President. On Senate Bill 381, I was in the back of the Chamber. I didn't make it back in time. I would have

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

voted Aye. Record -- record will so reflect...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Record will so reflect your intent, Senator. Turn your regular Calendars to the middle of page 8 to the Order of Secretary's Desk, Concurrence on Senate Bills is Senate Bill 320. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I'd like -- I'd like to move to nonconcur.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger moves to nonconcur in House Amendments No. 2, 3, 4, 5 and 6 to Senate Bill 320. All those in favor, say Aye. Opposed, Nay. The Ayes have it. Senator Jones, what purpose do you rise?

SENATOR JONES:

Are we nonconcurring in all these amendments?

PRESIDING OFFICER: (SENATOR DUDYCZ)

That's the motion, Senator Jones. All those in favor, say Aye. Opposed, Nay. The Ayes have it. Motion carries, and the Secretary shall so inform the House. Senator Jones.

SENATOR JONES:

Hey. I wasn't quite through because I want an answer to the question. I would prefer a roll call on this issue, because I don't want to nonconcur on all those -- the motion that was made by the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

That request is in order, Senator Jones. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 26 Nays, 2 voting Present. The motion carries, and the Secretary shall so inform the House. ...Reports.

SECRETARY HARRY:

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Re-referred from Insurance and Pensions Committee to Rules - Senate Amendment 2 to House Bill 110; referred to the Executive Committee - Conference Committee Report 1 to House Bill 606; referred to the Committee on Insurance and Pensions - Senate Amendment 3 to House Bill -- or, Amendments 3 and 4 to House Bill 110; referred to the Committee on Public Health and Welfare - Conference Committee Report 1 to Senate Bill 240 and Conference Committee Report 1 to Senate Bill 317; to the Committee on Transportation - Conference Committee Report 1 to Senate Bill 730; and Be Approved for Consideration - Conference Committee Report 1 to House Bill 379 and Conference Committee Report 1 to Senate Bill 521.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...being distributed on the Members' desks currently is Supplemental Calendar No. 2. If you'll turn your attention to Supplemental Calendar No. 2, is the Order of Conference Committee Reports. Mr. Secretary, do you have a file on Conference Committee Report on House Bill 379?

SECRETARY HARRY:

Yes, Mr. President. The First Conference Committee Report on House Bill 379.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. I just ask for a concurrence on this, that we had the Conference Report on Senate {sic} Bill 379. Amendments 1 and 2 have been accepted. Excuse me. The House will concur on Senate Amendment No. 1, but recedes from Senate Bill -- Amendment No. 2. We ask that we accept the Conference Report on this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 to House Bill 379. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And the Senate does adopt Conference Committee Report No. 1 to House Bill 379, and the bill, having received the required constitutional majority, is declared passed. ...Bill 521. Mr. Secretary, do you have a file on a Conference Committee Report No. 1 to Senate Bill 521?

SECRETARY HARRY:

Yes, Mr. President. The First Conference Committee Report on Senate Bill 521.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. The First Conference Committee on Senate Bill 521 is agreed-upon language whereby it makes it permissive for the requirement that a witness receive a written notice from counsel -- or, for either the prosecution or defense when -- when that witness has been identified as a person who has been a witness to a crime that has been committed. That's all that the amendment does, and I move for its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 to Senate Bill 521. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And the

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

Senate does adopt Conference Committee Report No. 1 to Senate Bill 521, and the bill, having received the required constitutional majority, is declared passed. Senator Karpziel, what purpose do you rise?

SENATOR KARPIEL:

Thank you, Mr. President. I would like to announce a Republican Caucus in Senator Philip's Office immediately. That will last for about one hour.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones, what purpose do you rise? Senator DeLeo, what purpose do you rise?

SENATOR DeLEO:

We respectfully ask for a Democratic Caucus in Senator Jones' Office. And it'll last about fifty-nine minutes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

A Republican Caucus in Senator Philip's Office, a Democratic Caucus in Senator Jones' Office, immediately. The Senate will stand at ease. The Senate will return at exactly 8:15 this evening. 8:15, exactly. The Democrats can get here at 8:14.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

If you turn to the bottom of page 2 of your regular Calendar, on the Order of House Bills 3rd Reading, we will be going to House Bill 449. House Bill 449. Senator Cronin, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Cronin seeks leave of the Body to return House Bill 449 to the

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

Order of 2nd Reading for the purpose of an amendment? Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 449. Mr. Secretary, are there any Floor amendments that have been approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senators Cronin, Watson and Philip.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 3 to House Bill 449 is a bill -- or, is an amendment that becomes the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

I beg your pardon, Senator Cronin. Senator Demuzio, what purpose do you rise?

SENATOR DEMUZIO:

Parliamentary inquiry. We are on Amendment 3. To the best of my recollection, I understood we went to committee earlier today with Amendment 2, and the committee recessed. I -- was there any action taken with respect to Committee -- to Amendment No. 2, and what happened to it?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio, we are debating Amendment No. 3. It is the Chair's understanding that Amendment No. 2 was not adopted in committee. Senator Demuzio.

SENATOR DEMUZIO:

Are you telling me that there was a roll call that was in the committee and Amendment No. 2 was -- was withdrawn or was defeated? You want to explain it to me? May I defer myself to Senator Peterson, who's chairman, for what -- what disposition was taken with respect to Amendment No. 2?

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio, we are on Amendment No. 3. Senator Demuzio.

SENATOR DEMUZIO:

...was -- now you're saying it wasn't. The fact of the matter is, don't we -- do we not have to dispose of Amendment No. 2 before we get to Amendment No. 3? We're on an education bill. Two comes before three. What happened to 3 {sic}?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator Demuzio. Your answer is, no, we do not have to, and we are now on Amendment No. 3. Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. Amendment No. 3 to House Bill 449 provides for a meaningful school funding reform bill. This provides a bill that addresses the most important priority that we face as legislators, the most important priority this Session and every Session, and that is the schoolchildren of the State of Illinois. This bill addresses the poor schoolchildren. This bill helps the poor school districts. The fact that there are some schoolchildren, through no fault of their own, simply due to geography, that may not be getting an adequate educational opportunity because of a lack of money is what we address in this bill. This bill helps out the poor school districts, helps out poor schoolchildren. That is our responsibility and we are meeting that responsibility today.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin, I beg your pardon. Senator Cronin. Will all staff please remove yourselves to the rear of the Chamber. Will all Members please be in their seats. Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. This bill -- this bill helps out poor schoolkids. This bill enables us to meet our responsibility to help out those children. This bill achieves that number-one

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

priority without raising the income tax, without taking more money out of the paychecks of hardworking citizens and families. This bill, very importantly, establishes and meets a minimum foundational level. This bill includes some meaningful accountability reforms. Let me tell you what this bill does not do. This bill does not attempt a huge tax shift. Some people would call that a shell game. This bill does not seek to collect more money out of the taxpayers' income tax pocket instead of their property tax pocket. Because whether the money is collected out of the taxpayers' right pocket or left pocket, Illinois taxpayers would be a lot lighter in their pockets with the alternative plan, the plan that we saw yesterday - the largest income tax burden in history. This bill does not make any representation of property tax relief. The question is -- that I and -- and many of my colleagues here, I know, have struggled with as we've addressed this issue of school funding reform is: Why does school funding reform equal an income tax increase? And the second question is: If that's so, why is that so in a year when we have nearly one billion dollars in new revenue? Well, this bill answers the question that an income tax increase does not equal school funding reform. This is an alternative plan. Now, the Governor's plan, with all due respect, did not include a bonding program. Many of you have -- have toured schools throughout the entire State of Illinois. Many of you have been participants in forums where interest groups and school establishment people have told you and shown you, through videotape, what the most glaring problem is in the schools, and those most glaring problems are -- are deteriorating buildings or infrastructure that is crumbling. This bill has a bonding program in it. The other bill does not. This bill does not include a renter's deduction, which some people have a problem with. This bill does not provide, for farmers, property tax

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

relief. This bill does not, as the Governor's plan, take over the Chicago Teachers' Pension System. Ladies and Gentlemen of the Senate, this bill is the "no income tax increase" plan. It uses growth, revenue, and some cuts in nonessential services that would be determined through the appropriation process. It increases State funding to elementary and secondary education by four hundred and fifty-five million dollars, a hundred million dollars of which goes to debt service on the one-billion-dollar school construction program - nearly a half a billion dollars for schools in the State of Illinois. This is a significant bill and this helps the poor schoolchildren of the State of Illinois. The poor school districts will reach a foundational level of four thousand and fifty dollars in year one and forty-three hundred dollars in year two. This bill ensures that no district receives less money than last year. House Bill 449 protects school districts in suburban Cook County and collar counties from the double whammy of tax caps. This bill has a one-billion-dollar school construction program that provides a forty- to seventy-percent-range commitment from the State. We have a small increase in the messages tax - a tax on telephone users?, the question came up in committee - a one-percent tax. So for those folks that have a thirty-dollar-a-month telephone bill, they can expect a thirty-cent increase in their bill. This plan provides for a ten-cents-per-pack increase in the cigarette tax, and some people had trouble with that in committee - the awkward relationship between taxing cigarettes to pay for schools. Well, cigarette tax, we're convinced, can generate seventy million dollars. But we know that the telecommunications tax is a growing source. The cigarette tax is a choice. It's a vice, yes, but consider the vice of a tax on the working families, consider the vice of an income tax that takes more money out of paychecks for people struggling to make ends meet. This bill, in total, in sum, brings

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

the bottom up to take care of the poor districts. It has a double whammy in it to protect the suburban districts and eventually the downstate districts that will suffer some intended consequence of the tax cap law, and it has a hold harmless for districts that otherwise may lose money. This bill is a significant proposal to help poor schoolkids in the State of Illinois and does not rely on an income tax increase. I ask for your favorable consideration, and I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion on the amendment? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading, House Bill 449. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 449.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. I've explained the amendment, which becomes the bill. I ask for your favorable consideration. I'd be happy to answer some questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Members of the Senate. Questions of

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

the sponsor, if I might.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Carroll.

SENATOR CARROLL:

Thank you. You indicated that there has to be some budget cuts. Let me just start backwards. Can you take us through the revenue side of where the money will come from to pay for this plan?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

First, the messages tax, which increases the telecommunications excise tax from five to six percent, effective July 1, 1997. The increase applies to both intrastate and interstate telecommunications, and the proceeds will be deposited in the Common School Fund. The estimated proceeds would be eighty million dollars. The cigarette tax increases the cigarette tax by ten cents a pack, effective July 1. The language contains an exemption for stock that already has stamps affixed at the retail or wholesale level, and the estimated proceeds are seventy million dollars. We have the Governor's budget, which has committed a hundred and fifty-three million dollars. We have fifty-two million in budget reallocations. You may know, Senator Carroll, that the Governor's plan contemplates seventy million dollars in budget cuts or reallocations. So fifty-two million dollars is much more achievable. And we contemplate, as does the Governor's plan, one hundred million dollars in revenue growth, thus giving us four hundred and fifty million -- four hundred and fifty-five million new dollars.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Carroll.

SENATOR CARROLL:

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

And have you identified the budget cuts, and at the same time, to save some time on questions, Senator Cronin, if I could, do you believe there are budget cuts beyond that which is necessary to fund this?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

In a thirty-five-billion-dollar budget and in a year where there's nearly one billion dollars of growth, I respectfully submit that finding fifty-two million dollars in budget reallocations will not be a difficult task. As I pointed out -- or, in addition to that, I think the appropriate mechanism to arrive at those cuts would be through the appropriation process.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Carroll.

SENATOR CARROLL:

And again, then, you're using the assumption that -- that the additional revenue growth of a hundred million dollars is all that's available for education.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

I'm going to defer to the expert on the budget, if I may, Senator Rauschenberger, please.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, I'd be very happy to tell you that Senator Carroll's a -- at least an equal, probably much more of an expert, on the budget. But I would point out that we're -- we're comfortable with the amount of new revenue that we've dedicated to this program. I don't think this is all of the new revenue that might

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

be projected, but it certainly strains the limit of what the Bureau of the Budget is comfortable in admitting, until we're through with Session.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Carroll.

SENATOR CARROLL:

So then, if I can understand then, the Bureau, at least in your opinion, is saying that about a hundred million is all that's available for spending at this point in time.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

In fact, Senator Carroll, in opposition -- or, in difference to our Ec and Fisc Commission, I don't think the Bureau of the Budget's even willing to admit that there is that much new revenue yet. I -- I think that they would like to see us complete our contemplation of tax issues before they're willing to talk about revised revenue estimates. But I would tell you, reliably, that the Ec and Fisc Commission certainly as -- in May, adjusted their revenue estimate upwards by eighty-four million dollars, have not given us June's reestimation yet, and of course, as you're well aware, that will mean base adjustments for FY'98, which should easily cover a hundred million dollars.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Carroll.

SENATOR CARROLL:

So then, if I understand, we're talking about a twenty-percent increase in everybody's taxes on every phone call they make, to pay for education; likewise, approximately twenty-five percent increase in -- in cigarette tax, to encourage smoking to pay for education; and then, using the Governor's figures on revenue, et cetera. Let me speak to the bill, Mr. President, then, and

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

identify, if this is how it's going to be paid for, there is no constant stream of funding that is essential if you're going to truly guarantee to school districts throughout the State that money will be available not only in Fiscal '98, but as you go on through time. We know that the cigarette tax, as we increase it - appropriately, very often, by the way - is to encourage people to stop smoking. And every time you do that, that means you're getting less income than you projected. Now, if that's going to be part of the future shortfall upon which schools are going to have to plan how they are going to take care of this base level of -- of education to make sure we have pulled the bottom up, you don't pull them up into a smoke-filled room; you have to have a solid foundation to do it. But let's look at where the money is supposed to come from. Bills that have been sponsored, basically, on the Republican side of the aisle, this Session alone, to exempt from State income tax or other taxes and therefore become a loss of revenue, currently sitting on the Governor's desk: House Bill 27 exempts aggregate mining equipment from sales tax, 3.2 million dollars; Parkinson's disease medication to be covered now under circuit breaker at a cost of nine and a half million dollars; DCCA grants to organize -- to organizations to reduce economic dependency, six hundred thousand; IMA's single sales tax factor bill, forty-six million dollars; auto lease tax and restructuring the sales tax on leased cars, 53.6 million dollars; containers purchased by restaurants, exempting them from sales tax, an undetermined amount; human services, to establish a demonstration project for adolescent families, 15.3 million; prison sentences cost to Corrections, according to the budget experts, 31.2 million; same thing - two strikes, you're out - twelve million dollars; sales tax exemption for up-front tax on lease equipment, twenty-five to a hundred million dollars; sales tax exemption for air cargo company, DHL, twenty-seven million dollars; the wages

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

Economic Development Renewable Fuel Act, four and a half million dollars - approximately three hundred and seventeen million dollars that we have said the State does not need this coming year. And now we're saying -- but we're taking that money that we will not have and spending it to bring up the foundation of the kids most in need. That's ludicrous. You have to have a solid foundation to educate kids. This plan is woefully short, woefully late coming to the General Assembly. This was "bottoms up 2," because "bottoms up 1" bottomed out. And you need the ability to be able to tell the people of Illinois that we will provide funding for all the kids wherever they live. This just doesn't do it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Weaver. Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Let me point out a few of the, what I consider, defects in this bill. Senator Carroll talked about the revenue sources. What this bill relies upon, in order to fund the needs of children that live in poor communities, is a tax on telephones. That is not a progressive tax. People use telephones regardless of their income. If you're a senior citizen and you have to call your doctor, if you're a senior citizen and you want to call your children or your grandchildren, regardless of whether you have anything above Social Security income, you're going to be paying this tax. This telephone tax in this bill is a regressive tax. It has nothing -- no connection to your ability to pay. The cigarette tax: Do you want your children's future, the seven hundred thousand children that attend underfunded schools in Illinois - seven hundred thousand children - that their education is going to depend upon how successful Joe Camel is? And that's what we've done. We're

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

how successful Joe Camel is? And that's what we've done. We're going to pair the children in poor communities to a product that causes death and disease among our population. The more effective we are through the Department of Public Health and other efforts to cut down smoking, we're going to hurt the children in poor communities that need an education. That doesn't make sense. Fifty-nine cents out of every education dollar in Illinois comes from property taxes. What that does is to create the disparity in funding between the property-rich communities and the property-poor communities. This bill does nothing - nothing - to address that problem. There is no property tax relief and no dramatic increase in exchange for property tax relief by the State. The sponsor, before the committee today, in questions that I asked regarding the capital development program, pointed out that the actual language for a capital development program is not in this bill. It's going to be a trailer bill. I'm not sure when we'll ever see the trailer. But this language for one of the most important segments of education funding reform, money from the State to help local communities improve the capital structure, their physical plant structure, that's -- that language is not in this bill. What this bill does do, regarding capital improvement, is that it increases the amount of local contributions for many districts that you on the other side of the aisle represent; that instead of a match, for example, of twenty percent for State funding, you now have a minimum of forty percent. Go on home and explain that to your local taxpayers on how you're going to meet that obligation under this bill. ...heard for many, many months the importance of local control in determining education policy. Let me tell you what this bill does regarding local control. We passed, two years ago, a bill to allow charter schools to be developed in Illinois - fifteen for downstate, fifteen for the suburbs, fifteen for Chicago. And under the sponsorship of my

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

colleagues on the other side of the aisle, this Republican bill dealing with charter schools that I voted for gave some local control in the local school board to determine whether applicants to create a charter school was in the best interests of the children in that school district. This bill removes from local control the determination of whether there'll be a charter school in any school district in the State. You know who that's -- that authority is given to? It's taken away from the local school board and it's given to a board that certainly understands what the needs of every child in every school district is: the State Board of Education. That's what this bill does. That's not local control; that's undermining local control. And if the State Board says that there ought to be a charter school in your school district, your school district, your voters, your taxpayers will pay for that charter school that the State Board determined ought to be in your school district. I found it interesting because I was privileged to sit for several months on the -- what we call the Committee of Eight and then on the Committee of Four. The Committee of Four, the purpose and the charge to that Committee of Four was to put together reforms. Those reforms were put together in a long list, multiple pages, given to the four legislative Leaders and the Governor to decide what was going to be reforms in the education process: tenure, certification, getting rid of lousy teachers, and a long list of other issues. The Governor, in his bill, Senate Bill 645, had a long list of reforms. Ladies and Gentlemen, there are less reforms in this bill than in the Governor's bill. Less reforms in this bill than in the Governor's bill. Now, I would point out to you -- and the sponsor talked about this bill addressing "our most important priority". Well, Ladies and Gentlemen, my friends on the other side of the aisle have been in control of this Chamber for four years. This is the fifth year. This is the -- one of the closing days - I hope - of

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

this Session. So for, in effect, five legislative years, we have -- we never saw, up until today, May 30th, 1997, any issue, any bills, any program from the other side of the aisle to address, quote, "the most important priority". At no time was there an allocation of State revenue to bring these bottom schools up. At no time was there an addressing of how to bring up the foundation level. And yet today, on May 30th, when we've been talking about this, when we've been studying it, when the Governor came out in his State of the State message, and we've been working on this through the Committee of Eight, the Committee of Four, and the Leaders for -- now, for over three months, on May 30th, we see a bill. Ladies and Gentlemen, there is nothing in the language of this bill to prevent what all of us get hit over the head with every time we're in front of a group talking about education funding: the shell game. There is no language in this bill to prevent the shell game from the revenues generated by the cigarette tax or the telephone tax. It can go into the Education Fund, but we don't have to add anything to the Education Fund. We can take it, put it through the right-hand pocket and take it out through the left-hand pocket. No language in this bill to do that. In closing, let me just point out to you that I find it quite interesting that under the leadership of a Republican Governor, the Republican Members of this General -- of this Senate have seen fit, by a partisan vote in the Revenue Committee today, to prevent fifty-nine Senators that represent the eleven and a half million people of Illinois from even debating a bill for education funding reform that the Governor and legislators have been working on for over three months, but a bill that we have seen in less than twelve hours is moved to the Floor for debate. You have done a great injustice to the eleven and a half million people. You have done a great injustice to fifty-nine Senators. And most importantly, you have done a great injustice to the seven hundred

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

thousand children that are in underfunded schools and the two million children that are in our public schools of Illinois. For these reasons, you should vote No on House Bill 449.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I do want to just point out that -- couple of things that Senator Berman had said about the Republican-controlled Legislature over the last couple of years. In the last four years, at least under the control of the Republicans in this Chamber, Senator Berman, we have given, in new dollars, to elementary and secondary education, over eight hundred million dollars, in four years. If you fold in higher education, more than one billion dollars of new money has flowed under our control, a Republican-controlled Chamber, into education over the last four years in Illinois. And I think just one other point needs to be made so that people don't get the impression we don't care, and we have toiled long and hard under Senator Cronin's leadership, especially, and Senator Watson, on education reform, but the Chicago school reform plan that has come about and has been recognized nationally came about under a Republican-controlled Legislature. So Chicago school reform - and I give Mayor Daley and his top two people, Gery Chico and Paul Vallas, a lot of credit - came about because of the Republican-controlled General Assembly. But again, more than one billion dollars of new money has flowed to education in Illinois over the last four years under a Republican-controlled State Senate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Well, thank you, Mr. President, and I think my colleagues on

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

this side of the aisle have laid out quite a few issues here tonight. But as they were speaking, I was thinking of the ruling of the Illinois courts when they ruled that the responsibility for funding public education and for making decisions as to how much should be made available to public education is the responsibility of the Illinois General Assembly. I also thought of why the groups that were concerned about equity and other issues went to the courts: because they really had no confidence in this Body. Well, I hope the courts in Illinois are paying attention to what's happening here today, because this certainly confirms that this Body is incapable of making the tough decisions that have to be made, even when a Governor, a Republican Governor, musters up the courage that we had all been calling for to put forth a proposal for structural change that will be long-lasting and that will put us on the road towards really improving the quality of public education throughout the entire State of Illinois, not just in the property-rich suburbs, but throughout the entire State. But we have failed. And here we put forth a bill that doesn't even make any sense, a patchwork that got put together, as Senator Berman indicated, in a matter of a few hours, for cover - for cover - to make it seem like we're doing something so that the cameras can capture us in deliberation, seriously pondering the tough issues in education. This is what we put forth. This is a joke. This is a mockery of the process. With one day left - and we all know very well what happens tomorrow after midnight - where are the votes going to come from? But we do have time. Senator Cronin, why don't we pull back this bill and why don't we just give it one more chance? How many commissions have we had? How many task forces have we had? Gangs of eight. Gangs of four. Gangs of three. Plenty of gangs and no work product. Let's take the next twenty-four hours, or whatever time we have left, and let's give it one more chance, so history will judge us as the Illinois

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

General Assembly that finally did what required a whole lot of courage, the kind of courage demonstrated by our Governor, and that is the structural change that is really going to address a foundation level, that is going to address property tax relief, that is going to address everything that every single commission has recommended and that we all know - deep in our hearts, we all know - is really necessary if we could just stop thinking about the next election. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further... Further discussion? Senator Philip, what purpose do you rise?

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just sitting here thinking about -- a little bit about history and what's gone on in the past in this Chamber, and, boy, do we have short memories on the other side of the aisle. 1988, the so-called school reform - I think I talked to the President of the Senate about four times that day and said, "We would like to have a copy of the reform." "We would like to have a synopsis of the reform." We never got it. It never had a hearing. We came out of caucus, it was plopped on our desks, and we voted on it in fifteen minutes. Merry Christmas. Now, the Chicago school reform that you all take credit for now - I can remember Mayor Daley in my office, "Pate, I can't be for the reform. There won't be a Democrat vote for the Chicago school reform." And you know what? There wasn't. We passed that in this Chamber without a Democrat vote. We put that reform together. The Governor signed it. And you know what? It's the best thing that ever happened to the City of Chicago. They're on the right track, the right direction. They've got a long way to go, but it is a great piece of legislation, no thanks to the other side of the aisle.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

Further discussion? Senator Weaver.

SENATOR WEAVER:

I would move the previous question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There are twelve additional speakers. Further discussion?  
Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. Would the  
sponsor yield for a few questions?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Severns.

SENATOR SEVERNS:

Senator, I know that we've had a chance to debate some of the  
issues in Revenue Committee. I'll apologize in advance for  
repetition, but hopefully you've had some time to get some answers  
to some of the questions we raised. One question I asked, and  
I'm still interested in the answer, is I know that the plan that  
the Governor provided that, unfortunately, has not been given the  
opportunity to be heard on this Floor would have moved this State  
from thirty-two-percent funding to forty-three-percent. And I  
know that your response in committee suggested, perhaps, that we  
shouldn't be so concerned about those percentages. I would just  
like to remind the sponsor that our Constitution tells us we  
should be funding at least at the fifty-percentile level. Do you  
know yet what the result of this plan would be? Specifically,  
what percentage of State support would be provided under the plan  
that we're debating?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

I can't tell you exactly. I don't think the alternative plan  
has an exact figure. But with the eight hundred million dollars

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

that we've committed over the last four years plus this four hundred and fifty-five million dollars this year, over 1.2 billion new dollars to elementary and secondary education over the last five years, has demonstrated a significant commitment from the State. To compare the commitment that the State makes to the commitment at the local level is not always -- very persuasive with a lot of people. If we want to give more money to education from the State - and that's what this is about; getting more money to education, giving more money to the poor schoolchildren - we have done that in this bill. To talk about a massive tax shift in order to come up with some number to tout, to talk about, is not as significant as helping the poor schoolchildren and adding new dollars and demonstrating our commitment year in and year out.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Severns.

SENATOR SEVERNS:

Perhaps, Senator Cronin, your view is that the Illinois Constitution is not terribly significant. I would think that for the schoolchildren that -- that you profess to be concerned about, and I'm certain you are, that we teach them otherwise, and I would think that the Members of this Body, who take an oath to uphold that Constitution, that the percentage level would be of concern, specifically, the fact that we are one of three states, as the Governor's Office testified in committee today, that still relies so heavily upon the property tax to fund education. So I guess -- and I don't want to put words into your mouth, but I guess your answer is, you don't know, or it's so insignificant that you're not mentioning it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Your question is based on a premise that I don't agree with,

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

and the Supreme Court doesn't agree with either. They have ruled - the Supreme Court has ruled - that the words, quote, "primary responsibility", unquote, do not require the State to provide any set percentage of school funding. Now, you know, if you want to be able to go home and say that we have substituted one tax with another tax, if you want to be able to go home and tell your citizens in your district that you're now going to be paying for schools out of one pocket rather than the other, and you think that that's got a heck of a lot of merit, well, God bless you. But some of us don't think so.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Severns.

SENATOR SEVERNS:

I -- I can tell that I'm not going to get an answer to this question. Unfortunately, it was 1978, a generation ago, when this State was last at the forty-three-percent level that the Governor's plan would achieve, had that plan been given a chance to be heard on this Floor. I would like to ask, Senator Cronin, do you believe that the citizens of this State need property tax relief?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

I would answer that question and say the citizens of this State do not need an income tax increase.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Severns.

SENATOR SEVERNS:

Well, I think your action speaks for itself. I -- I guess you don't believe that -- certainly, that the nine-hundred-million-dollar property tax relief proposal that the Governor proposed, the single largest one in the State's history,

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

is not needed. But by your actions, I guess you don't think any is needed. Finally, I'll ask, and then I'll make a point: Do you share the concern that many of us have that to rely upon cigarette taxes to fund schools sends a conflicting message to the students of this State, specifically as we plea with young adults not to start the habit of smoking, that we're sending them a conflicting message in saying, "but we rely upon the smokers to fund the schools of this State"?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Senator Severns, I'm not happy to promote any income tax or any tax increase, whether it be cigarette taxes, telephone tax or income tax. But in the broad debate, when you take a step back, some people think, and I'm one of them, that a tax on working families, a tax on their income, on productivity, taking money out of their paychecks is harder to defend, is a more onerous tax than a tax on a vice like smoking.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. As I tried to express during committee and, frankly, will express again, each of us have won elections by the strength of our promises. Senator Cronin, your legislative Leader and mine and the two legislative Leaders in the House have publicly committed to do whatever is necessary to, at long last, fix the abysmal problem in this State of funding education and more fairly funding it through an avenue other than the overburdened property taxpayer. I think most of us, if not each of us, have promised our constituents that we would do what we could do to fix the problem of the State, and yet it seems to me that certainly the plan you propose not only

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

neglects the concern over the skyrocketing property taxes that every part of this State has witnessed, but most importantly, it neglects to find a stable and appropriate revenue source to make certain that Illinois no longer suffers the distinction of being forty-eighth in this nation of state support to education. Unlike the Governor's plan that would have raised the necessary money to provide equity that is so desperately lacking in our State schools, this plan does not achieve it. This plan will guarantee, in my judgment, that students, by the accident of their geographic birth, will still suffer. This plan, unlike the Governor's, does not guarantee that we will more closely meet our constitutional mandate to fund education at a near, at least, fifty-percent level. The Governor's plan would have provided that we would have met the level we were at in 1978. Unlike the Governor's plan, we are raising money to provide, in this plan, no property tax relief; in the Governor's plan, the single largest property tax relief legislation ever considered in this Body or in the House. I don't know how a legislator goes back to try to explain why, before the election, they promised their constituents to trust them that they would do all that they could to, at long last, fix the educational funding problem in Illinois and to, at long last, relieve the overburdened property taxpayer, but it seems to me that this plan leaves us with the hollow apology the poet wrote so long ago: That is not what I meant at all; that is not it at all. This plan is an embarrassment. This plan does not provide the solid vision so boldly put forward by Governor Edgar in the plan that's been rejected without a fair hearing on this Floor. I never thought I'd see the day in the Illinois Senate where the Governor of this State was denied an opportunity to have a fair and full hearing on the single most important legislation that he has offered during his administration, but unfortunately, today has told me otherwise. I would urge a No vote.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

Senator Cronin.

SENATOR CRONIN:

If I may, I can't help but respond in a way to try to refresh some recollection and to ask a question. First of all, the 1985 school reform bill that passed out of this State Senate, this Democratically controlled State Senate, included a one-hundred-and-eight-million-dollar tax increase on cigarettes. Have you forgotten that the cigarette tax was a primary source of money used when you were the sponsors and when you were touting school reform? Secondly, to my colleague on the other side of the aisle, who just posed some challenging rhetoric: Do you think that the income tax increase is the only way to accomplish school funding reform? And secondly, can you guarantee that the property tax relief provided in this bill -- the Governor's bill will be long-lasting?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hendon.

SENATOR HENDON:

Senator Cronin, in your initial opening remarks, you referred to the Governor's plan -- or the plan that was presented as a shell game. You're not suggesting that the great Governor of this State is involved in a shell game, are you?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

The -- the words "shell game" have been bantered about here for years. Many people referred to the Lottery proceeds that are

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

dedicated to the Common School Fund as a shell game. One of your colleagues, moments ago, talked about the shell game with the messages tax. I only ask a little perspective -- I'll ask for a little perspective on the issue. This whole issue is about more money for schools, and to accomplish that goal and talk about property tax relief in the same breath, I think is very, very difficult for many people to accept.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

So you are saying that the Governor of this State is involved in playing a shell game on the people of the State of Illinois. Let me ask you another question. In the House of Representatives, how many Republicans voted for the Governor's bill? Do you know?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

I think seven Republicans voted for it. And, Senator Hendon, you're not going to get me to say something that is not true or that -- I'm not going to be baited. I commend the Governor for his commitment to this issue. I firmly believe that he believes in his approach, and I don't disagree with this goals. And I commend him, I applaud him, and I continue to want to work with him. But I submit that there are a couple of different ways to achieve his and my goals, and this is one of them.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Well -- well, I'm concerned, Senator Cronin, about the cigarette tax being a shell game, especially since tobacco is being -- the industry is being sued all around the country, I believe even by the Republican Attorney General, over the use of

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

smoking. So if they are successful, that's going to cut down on the use of cigarettes, so that could even be a shell game. My question -- aren't you concerned at all that a Governor who is popular in this State -- I read a poll the other day, sixty-eight to seventy percent of the people of the State of Illinois support the Governor and his plan. How can you say that you are more correct than the Governor of the State of Illinois? Are you suggesting that?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Look, I have nothing but respect for the Governor, but this is a legislative process and I think we have the right and the obligation to discuss and debate and to agree to disagree. And I think everyone in this Body is genuinely committed to solving this problem, addressing this problem, reaching our goals. We don't always all agree on how to get there.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

One final question, and then a -- a comment on the bill. In order to lead this State, wouldn't you agree that the Chief Executive has to be seen as a strong leader? And if he cannot get one Republican, one member of his own Party, to go along with him on what is the most important piece of legislation in his career, does it concern you at all that that's going to hurt his stature and -- and -- and, as a result, end his effectiveness as a leader of this State?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

I think the Governor is a strong leader, and he will remain a

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

strong leader.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Well, I think Pate Philip is a strong leader because he's going to have a whole lot more votes than the Governor. I believe Emil Jones is a strong leader because he's going to have a lot more votes than the Governor. I want you to be concerned with this. If I were a Republican, which I'm not, I'd have to stand with my Governor, because I don't believe that you can allow Governor Edgar to come out of this vote with no Republicans. But yet, I read in an editorial today where you'll campaign with him. You'll hug him on the campaign trail. You'll support his reelection. But you don't support anything that he's trying to do for the State of Illinois. It concerns me because I want the leader of this State to be strong, whether he's a Republican or a Democrat. But he has no support on the Republican side of the aisle, and here we are, Democrats, have to give the Governor all of his votes because members of his own Party will not support him. I believe that you're sending a terrible signal for the direction of this State to not support the Governor that you will campaign with, the Governor that you will tell people to vote for, the Governor that you will hug and kiss, but you will not support. You send a terrible signal. You weaken the State. You weaken the Governor. Poor Governor Edgar. Poor, poor Governor Edgar. I thought it was terrible being Senator Hendon, but tonight I would rather be Senator Hendon than poor, poor Governor Edgar.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. I'll be very brief. First of all, let me say that if Governor Edgar's

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

proposal, 645, I think, was on this Floor tonight and we were debating that, I would be standing in support of that measure because I think that is, in my opinion, a fairer approach than the approach that -- that I rise in very reluctant support of this evening. And I -- and I rise not to say that this is a solution to the problem, and I rise not to say that this is keeping my commitment to the people of 45th District since 1988, telling them that I would support a measure that afforded property tax relief, and would vote for an increase in the income tax in order to afford that property tax relief. Again, if that measure was before us this evening, I would be supporting that measure, and I would be supporting my Governor. But for whatever reason, that bill is not before us. And I just want to say a couple things; that there are some of us, at least myself - and I don't think that I'm alone on this side of the aisle - that do not feel that this is the solution to the problem of equitable school funding in the State of Illinois; however, there are some of us on this -- on this side of the aisle who may not share that opinion. But I stand here, and I'm going to stand and vote with my colleagues on this side of the aisle, because we need to keep this discussion going, and I'm told this is the only way that the discussion is going to continue. And if the discussion does not continue, then I'm going to be very, very disappointed in the whole process that we are faced with in this last thirty-six hours of this Session. Again, I rise in reluctant support of House Bill 449, as amended, and only because the Governor's proposal is not before us.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This morning when I came here, I was very optimistic that we would finally get to vote on a bill that did many of the things that I've talked about for the last

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

fifteen years in my campaigns for office here - real estate tax relief, helping kids. And I thought this might be the day that we actually do it, after all these years, but, unfortunately, it is not. Instead, today we have this bill that is really a hodgepodge of -- of tax increases and -- and wishful thinking. We have here the largest utility tax, I think, in probably the history of the State of Illinois. And what's wrong with that? Well, the worst part about it is that it hits people who can't afford it, unlike the income tax. People are working and they pay an income tax. A utility tax: That hits retired people. It hits people who have no income, people on unemployment. That's not fair, but that's in this bill. Second tax in this bill is one on -- on cigarettes, and what's odd about that is that right now the Attorney General is part of a nationwide lawsuit against the cigarette manufacturers, and part of the settlement that has leaked out from that lawsuit is that hundreds of millions of dollars will be put in a fund to discourage individuals from smoking. They're encouraging states to crack down on teenager smoking, but yet, we're going to rely on that as a source of funding. These are two very unstable sources. What we have here, as well, relying on general revenue growth of a hundred million dollars, a pay-as-you-go plan. Well, we tried that before, in 1985. That was referred to earlier. That pay-as-you-go plan was supposed to fund two hundred and fifty million dollars a year until we got up past fifty percent of the funding for schools. That was the Governor Thompson proposal, not the Democrats' proposal. It was a good idea but it didn't work, because two years after we promised that, we had a recession and it was never revisited. If we had a provision in this that said one-half of all new revenue growth goes to the Common School Fund, then we, on this side, might be supporting it. It would make some sense. I introduced that bill. It stayed in the Rules Committee. It's still not too late to

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

bring it back. I think that we still have time to do that tomorrow. But I keep hearing, on the other side of the aisle, that we provided eight hundred million dollars in -- in money in the last four years for elementary and secondary education, and then we stand back and expect to be applauded. Well, Ladies and Gentlemen, the last four years there's been four billion dollars in new revenue. That's only twenty percent of the new revenue that went to education. If you start taking out the money from that that actually went to pensions and didn't make it to the schoolchildren, it's going to be much, much less. So before we break our arms patting ourselves on the back, maybe we can do something realistic to help kids, and I think a good way to start is by defeating this bill and by voting No. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President. I, too, have a lot of things to say. Frankly, I don't exactly know exactly what order they -- they are. As you probably know, I spent my time in my master's project just recently with respect to this -- this issue, and I would like, first of all, to ask Senator Cronin two very short questions, if I -- if I may.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Demuzio.

SENATOR DEMUZIO:

First of all, can you -- can you tell me, how did you establish the foundation level at four thousand and fifty dollars? What -- what was the criteria and the rationale that went into that dollar amount?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

I am familiar and our staff is familiar with the methodology that was employed by Coopers & Lybrand in coming up with the forty-two twenty-five. We reviewed the costs. We considered regional differences in cost. And it was our considered opinion that four thousand and fifty dollars in year one and forty-three hundred in year two is pretty much on target with some of the recommendations of the various experts.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

And then, another short question. Do you believe that your proposal that's before us this evening solves the long-range problem that we have in funding of elementary and secondary education in Illinois?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

You know, there's been a lot of representations about this bill or the Governor's bill and how the Governor's bill provides long-lasting relief and this one does not. And I'm confused about that, because you know, Senator Demuzio, as do all Members of this State Senate, that our commitment to education is an annual commitment. We still have to appropriate the dollars, no matter what the Governor's bill says, no matter what this bill says. Year in and year out, we have to make the commitment. And this bill is no more shortsighted in its long-term commitment criteria than is the Governor's.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Let me just simply say this: I heard one of my colleagues on the other side of the aisle -- and by the way, I don't want to get

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

into "this side of the aisle" and "that side of the aisle" -- I've been around here long enough to know, too, that we are all guilty of not being able to solve this problem. I had a professor one time that said to me, you know -- as Senator del Valle had indicated, we've had blue-ribbon commissions, we've had task forces, we've had a number of academic studies, we've had a number of professionals who have studied this problem in the State of Illinois, and he asked me the question: Why doesn't this problem get solved? And I guess one of the comments that I made was the reason that it never got solved was because we have to have a Chief Executive Officer of the State of Illinois, the Governor, that had to lead on this particular issue. And I want to compliment Governor Edgar because this is not Jim Thompson's proposal this -- that got defeated this morning. It's not his concept that's before us this evening. Unfortunately, the fact of the matter is that he went out and did the -- and said the tough things about the proposal that we should be debating this evening, and not this one. The fact -- a Member of the -- on the other side indicated that we had put eight hundred million dollars into education in the last five years. Unfortunately, we had four billion dollars in new revenue, so 3.2 billion of it went someplace else. If we had been doing our job, not just the last five years, if we had been doing our job over the last twenty years, we wouldn't have the problem, we wouldn't be in the predicament that we are here in this evening. I think the Governor's proposal, that should be before us this evening, was one that would have gone a long way in really trying to make the fundamental changes in the manner and form in which we fund education. Someone said a few minutes ago that this whole issue is more money for schools. It's not more money for schools. It is, again, that fundamental change in the manner and form in which we change -- in which we fund education. You know, twice I've

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

seen, in the last two Sessions, Governor Edgar rebuffed in this Senate; one by virtue of the fact that he couldn't get the Ikenberry proposal out of the Rules Committee in order to even have a hearing; and secondly, the fact that he couldn't even get a hearing of his entire proposal before either this committee, as a whole, or at least this evening before us on 3rd Reading. There's enough blame to be cast and thrown around in the Illinois General Assembly for all of us over the last twenty-three years, almost three decades, I should say. The fact is, is that this problem that we have is not going to be solved by what we do this evening. This is just another temporary Band-Aid approach. It's business as usual. And I thought I would come here this morning and have the opportunity to finally cast a vote that was really going to make fundamental changes in the educational system of Illinois. I'm disappointed that I didn't have that opportunity. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. Would the sponsor yield just for...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Clayborne.

SENATOR CLAYBORNE:

Senator Cronin, you've talked about this helping the poor school districts. Based upon social factors of -- that poverty bring along with it, is it your belief that the cigarette tax will encourage the poor and the children to experiment with cigarettes even more now if this bill passes?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

Senator Clayborne.

SENATOR CLAYBORNE:

Do you believe that when my grandmother, who's on a fixed pension - my grandfather's pension, who's deceased - when she desires to call me, that she may have some hesitance in calling me and her other grandchildren because she knows that there's a twenty-percent tax on that call?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

You know, I -- I guess you could call it a twenty-percent tax, since it's going from five percent to six percent, but the actual amount is -- is one percent. So, on a thirty-dollar phone bill, it would amount to thirty cents. Also, someone suggested that somehow or other this is a regressive tax. I don't know where that person has been, but the telephone industry, cellular industry, pagers, is just exploding. This is one of the most -- this is a tax that has great potential for growth, and with a very modest, modest increase, we can leverage a lot of money.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Clayborne.

SENATOR CLAYBORNE:

I guess I want to make a comment, based upon what Senator Cronin said. I've been here a little over two and a half years, and I understand more and more some of the old adages that have -- that I've been taught and that we use every day, and that being: Is the glass half full or is the glass half empty? Obviously, Senator Cronin believes that the -- the glass is half full, which I believe that there's -- there's not enough water in the glass, and I believe that it's half empty. That's based upon the fact that I believe that we are encouraging, if this passes, our children and family members to smoke to support this bill. When I

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

was on the other side of the aisle, I mentioned to one of the Senators - and I won't mention his name - I said, in order to fund education, we've got to take up smoking. And his comment to me was, "I believe that this tax will discourage smoking." And I said, if that is true, if that is really true, then the monies are not there to support this legislation. Again, if you look at it half full or half empty, you will know that the poor are more susceptible to smoking and using the other vices that cause health problems, that cause depression, that cause other things that will result in out-of-pocket dollars, whether it's -- either it's by them or it's by the State or it's by the federal government to address those needs. We talk about the fact that eight hundred million dollars have been put into education over the last few years, but I'm willing to tell -- tell you, Senator Cronin, and -- and the other Members in this Chamber, that I bet if we look at the funding of the correctional system just in the last two years, that it exceeds eight hundred million dollars. As I stated in committee earlier today, and they were -- the guy from the Tax Federation was talking about private schools, well, in my district, millions of -- somewhere in the area of twenty million dollars was used to transform a Catholic high school into a prison, where two of our Congressmen -- two Congressmen came from that school. One is now a U.S. Senator. But I tell you that the kids in my area don't have an opportunity to go to that school because it's closed down, because we're housing them now. But what I will tell you is, Senator Cronin, that they can go there and we're spending about thirty-eight hundred dollars on them, to educate them, in the prisons. So I tell you: Is the glass half full or is the glass half empty? There were other comments that were made about what happened in 1985, what happened in 1988. I have three sons, and I constantly tell them if it's wrong ninety-nine times, it's wrong a hundred times. It never changes.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

So that's not an excuse. I think about what it takes for us to run for office. We put our -- our names on the line. We open our -- our doors up to everybody. But I tell you that courage is something that everybody desires, but few are able to exhibit courage. I challenge you on the other side of the aisle. And I know it makes no difference to a lot of you all, but I tell you that there are children in this State that are depending on us to exhibit courage. There are children in this State, teachers, administrators that are asking us to provide them with the tools that they need to make sure that we produce productive children, children that we can be proud of that can carry the torch. But I tell you that if we vote for this current bill, we have no courage. We won't stand up for what's right. And I know many of us are elected and have been elected, and we talked about, "Well, we're going to go and make changes. We're going to go and make a significant impact." But I tell you, if you vote for this, you've lied to the voters. You've lied about your sincerity in making real changes in providing a quality education for the children in this State. As I stated earlier -- and I'll -- I'll end my talk -- I've talked to my children and I constantly explain to them the history of the United States. I've talked about slavery. I've talked about the differences in -- in color, in race, in gender, in ethnicity. And it surprises my children when I tell them about some of the things that have happened. We celebrated, a few -- few weeks ago, the fact that Jackie Robinson broke the -- the color line in baseball. When I told my son that and told him why it was a big deal, he looked at me and he looked at me in -- in disbelief. He couldn't believe that a man was not allowed to play baseball because of the color of his skin, that a woman was not allowed to vote, or a black man was not allowed to vote or a woman was not allowed to vote because of the color of -- of their skin. He could not believe it. He had an expression on his face, where

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

I reached out and told him that it was all right. But what I say to you is what will happen today when our great-grandchildren look back on this time in history. They will have a disbelief that we did not have the courage to stand up and to do what's right for them. They will look at you all in disbelief, to say that "You gambled my future, my education, on people smoking cigarettes; that you gambled my future on a tax for people to pick up a telephone and talk on it; that a man or a woman who earns fifty thousand dollars a year, that they could not come out of their pockets and pay another three hundred and seventy-five dollars and a hundred twenty or so of that dollars will be deducted off their federal taxes." But that's the question that we've got to answer, that you've got to look at your great-grandchildren and answer, that I have to tell my kids why the changes were made. And, clearly, the changes that have taken place in this country were hard decisions, were decisions that had to have been made, and there were a lot of skepticism about those changes. But I tell you, when you look back -- when we look back on this time in our history, we've got to answer that question. We've got to take that doubt and -- and look at that disbelief on our great-grandchildren's face and tell them why we did not have the courage to do what was for their best interests. And I urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes, thank you, Mr. President and -- and Ladies and Gentlemen of the Senate. I certainly rise in support of -- of Senator Cronin's efforts. And the previous speaker, I -- this does make a big difference to me. And I -- I just want to mention one thing: In your district -- and I know you've got a lot of empty glasses in one particular area of your district. They're not half full;

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

they're empty. In one particular school district in your area, you're going to get two million three hundred and sixty-five thousand new dollars, and that's in East St. Louis. And we know that those young children there, given an opportunity, can prevail, and this is an opportunity for them. In the elementary district in Belleville, you're -- you will get two million four hundred and seven thousand more dollars. And the big difference in what we're doing here today and what we've done in the past, by raising the foundation level to this four-thousand-fifty-dollar figure, is we're helping elementary districts. Elementary districts -- and if you look at your printout, they're considerably helped a great deal more, obviously, than high school districts, because they're traditionally less than that foundation level. And why do we need to help elementary districts? And we've read -- there's -- study after study after study indicates that from K through 4, that's the most important time in a young person's educational life, and that's when we need to be focusing on the attention on that young student. And the class sizes in many of our districts are to the point where it's not -- it's certainly not adequate. There's too many kids per class. And this will give those elementary districts an opportunity to lessen that class size and focus in on that young -- that young child. You know, and I don't know why it is on -- us over here we call ourselves Republicans, and we've, over the last four years - and it's been said twice on the Floor and now it's going to be said a third time - we've put over eight hundred million dollars more into elementary and secondary education over the last four years. And for some reason or other, we can't seem to get that message out. We -- we have failed in getting the message out, through the media, to the constituency back home that the Republicans mean business when it comes to funding elementary and secondary education. We've been there when it's counted. And, Senator

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

Berman, you and I and Senator Demuzio and Senator Cronin, we -- we spent a lot of time and we ate a lot of doughnuts down there in Room 205 talking about what we'd like to see ultimately come to this Body in the form of an educational funding reform. And I, too, could support, obviously, something different than we have here this evening. But in all actuality, and to be frank and honest about it, the Governor's proposal is significantly different than what you and I had agreed to in that group of eight. And when it got down to the group of four, Senator Berman, and you're talking about reforms, unfortunately in the Governor's proposal, the reforms are so watered down they're drowning. The reforms in this particular proposal are significantly more tougher, and they bring about some meaningful change. Maybe not to the level that a lot of us would like. Certainly I would like to see tougher reforms myself. But it's considerably more than what the Governor's proposal had. There were a lot of good things in the Governor's proposal. There isn't any doubt about it. But one thing I've got to say -- and Senator Cronin and Senator Dillard and Senator Walsh, they took the effort. They took the effort to come down to Senator Luechtefeld's district and see what we have to deal with in southern Illinois, the problems we have to face when we talk about adequacy, we talk about equity and we talk about the foundation level. And they came back here and they convinced, and I've heard them speak in caucuses, that we do need to do something for those poor, rural school districts. Something needs to be done. And I thank the Members of my caucus, who won't benefit much at all from this proposal, for bringing this to the Floor and giving us the opportunity to help kids certainly in my area and throughout this State, primarily downstate. My district is -- I don't know if you've looked through the printout. I get fourteen million new dollars in this proposal. I'm probably -- benefit more than anyone else here. I've got four school

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

districts: Aviston, St. Rose, Damiansville and Albers - all elementary districts in Clinton County. They're in the bottom six in funding per student in the State of Illinois. Four of them are in my area. There's only three schools in my district that will not get any money, that are -- that are -- that will -- they're actually over the four-thousand-fifty-dollar level - only three. Every school in my district will benefit. A hundred and thirty-five million dollars of this proposal comes downstate. And where does it go? Who's going to benefit? Senator Rea, you're number two. I'm number one. Sir, you're number two. Fourteen million one hundred and eighty-three thousand dollars will be made available to the young people of your district. Senator Clayborne - I mentioned you earlier - not only do Belleville Elementary and East St. Louis Community District benefit, you get an additional nine million seven hundred and sixty-two thousand. Senator O'Daniel, you're number three. You're number three. Thirteen million four hundred and fifty-six thousand dollars. Senator Severns, nine million six hundred and ninety-four thousand dollars. Senator Demuzio, ten million one hundred and seventy-one thousand dollars. It's surprising that Larry Walsh -- and, Larry, I don't know what you're going to do here, but I hope you're going to think about the young people of your district when you cast this vote, because they will receive twelve million seven hundred and eleven thousand new dollars as a result of this proposal. Senator Welch, seven million seven hundred and ninety-three thousand dollars, you may deprive the young people of your district if you vote No. And one of our newest Senators, Senator Link, seven million two hundred and eighty-one thousand dollars will be made available to your schools. And, Senator Shaw, Senator Bill Shaw, five million more dollars comes into his district. This is all to help the young people of our communities. We don't talk much about kids around here, and they

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

do depend on us, yes. And there's nothing wrong at all with voting for a cigarette tax. You did it -- you proposed it in '85 or whatever year it was, and we passed it. It doesn't necessarily have to be all at one level. But the important thing is, is that we do it and that we create an environment in which our young people will have an opportunity to succeed - to succeed. In many areas of this State, that's not the case, Mr. President, and that's why this House Bill 449 is important to the young people in my district. And I'm going to be voting Yes. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. My remarks will be brief. I, a little bit like Senator Madigan, stand up here before you with mixed emotions - maybe with a different conclusion, but with mixed emotions. I've heard a lot of discussion here about blame. I blame no one. I blame us all. I think we have a problem, however, and I have some concerns where I am disappointed. And, Senator Watson, you put out many, many figures there, and that's part of the problem and it's one of the reasons why I am torn between the two proposals. Neither of them are perfect, and I understand there's a difference of philosophy. And I think that's good and I think it's healthy. But I'm disappointed that I don't get to take home ten million dollars in property tax relief for my district. I'm disappointed I don't get to take home ten million dollars more for the kids of my school districts. And I'm disappointed that we're not able to break the cycle of dependency on property tax. And I'm even more disappointed and I am almost -- I don't want to say angry, because I think that's the wrong term, but I am very disappointed. Most people are willing to walk the extra mile. This Governor wasn't willing to get up and walk the extra hundred feet to the Revenue

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

Committee. I am disappointed in that. But there is a risk here, and that's where my -- my mixed emotions come in. I have already stated what my district would do. If I do nothing, if I do absolutely nothing, this bill doesn't pass, the Governor's proposal doesn't pass, my school districts get two million dollars less next year than they received this last year. We've been on the roller coaster because we did the hold harmless last year, which was good for the education of our children, but that's gone this year, if we do nothing. To vote for this proposal, I could take home an extra 3.5 million dollars for the children in my district. So I'm taking a tremendous risk here, in my estimation, by voting No, and I will vote No. But let me tell you why. I think we have time. I'm willing to take the risk. I'm willing to take that risk so we can still have tomorrow, still sit down, hopefully do some compromising, in order to be able to get a better product for all of our kids. In closing, we've heard a lot of comments that have been made and a lot of quotes. I guess I could also give you one from "Rocky" that says, "You know, we could have been a contender." I ask for a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President and Members of the Senate. I rise in strong opposition to this so-called education funding plan. Soon after I was elected in January, or sworn in in January, I said that I was against regressive taxes that hurt families and seniors that live paycheck to paycheck. That's why I came out in strong opposition to reimposing the State sales tax on food and groceries. But instead, my colleagues today have devised a new eleventh-hour, regressive tax on phone calls. Does your income affect how many phone calls you'll make? Will my parents, who have a very small amount of income but extremely high amount of

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

property taxes, get any relief from this bill? No. This is a huge, whopping tax increase on the phone calls they make, with no property tax relief. At the same time, I have pushed strongly for the State to pass tougher laws to get our kids to stop smoking. Hundreds of them start smoking every day. But it's highly unfortunate that every antismoking bill was killed in this Chamber. Now we do have a smoking bill, and we're going to fund our education system on a ten-cent tax on cigarettes. Also, how can we forget about the thousands of parents who marched on Springfield in April? When I was consulting with my children over the weekend - I have two: thirteen and fifteen - about the education funding reform issue, they had very strong opinions. I laid out both sides of the issue to them, the Governor's plan and some of these other alternatives, and my thirteen-year-old son, Matthew, said, "Mom, I don't know what the big deal is. Just do what's right." This is not right. This is wrong. And we must defeat this bill, get back to the bargaining table and fight for our kids, because they expect us to do what's right. If, for -- God forbid, that this bill does pass, I think we need to get down to some serious negotiating, and I urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President, and Ladies and Gentlemen of the Senate. I'm getting to like this place more and more, especially this time of -- of the year, day before we're going to close, 11 o'clock at night. This is when it becomes the most fun for me. I -- and I'll tell you why in a second. I have to set out by first saying that the comments from the gentleman from Lincoln in Logan County once again proved that he is a true scholar and a gentleman. As far as the gentleman from DuPage, you've talked about the school reform from Chicago and how terrific it was for

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

Chicago, but I looked in this bill and there were about seven or eight items, maybe even more than that, that were strictly for Chicago. Well, I know they were terrific, you know, such as the accountability, dismissal process, combining bonds, all -- and you're shaking your head. There all good ideas. But I didn't see in this bill that we made it for the rest of the State. If they're such good ideas, they probably should have been done for the rest of the State, but I didn't see 'em in the bill. The other thing I have to know and I -- this goes to our distinguished President, this has been -- I've been here five years, five Mays or Junes, and I keep getting wished "Merry Christmas" in May or June. I don't know if you're -- you know, you're looking for -- I don't know if you're looking for a present or what it may be, but I guess the idea would be, Mr. President, is that there is no doubt, because you have been truthful and honest on everything I've dealt with you on, that when you said you got something five minutes before in 1988 or '87, whatever year it was, and were asked to vote on it, I'll take you at your word. But from 1987, if you look around this building, probably ninety percent of the people that are in this General Assembly today or in this Senate weren't here. I didn't do it. That was wrong. If they did that to you, they were wrong. It doesn't make it right to do it to us now just because it was done then. If it was wrong then, it's wrong now. I mean, we're standing in this Chamber and why this is such a great time -- we know who won the election in November. I've said this fifteen times: thirty-one beats twenty-eight every time. I've talked to the greatest mathematicians in the world. I can't change that. Thirty-one beats twenty-eight. We knew who was going to run the Senate. There's some great issues out there. The people were demanding action. Welfare and immigration: We saw what the feds did. We had to act on that. We had seven or eight months. Where's the bill? It's the last day. Where's the bill?

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

Campaign finance reform: Where's the bill? We've been here four months. Where is it? We've talked about gambling. You can't walk through the Rotunda without turning around and getting hit by some lobbyist that's working for the gambling interests, whether we should have graduated tax, more boats, slot machines, whatever it may be. Where's the bill to debate? Where's the talk? Where are we going with this? It's the last day. Where's the bill? Transportation funding: Roads are falling apart. There's a big backlog. CTA, RTA, Metra: We have problems. Where's the bill? We talk about HMO and managed care. That same distinguished gentleman from -- from Logan County, we had the -- I think the biggest committee hearing in the history of this building because people thought it was very, very important. And we're here for six months. Where's the bill? When are we going to debate these? When are we going to vote on it? We talk about deregulation. You know how much money and time have been spent by some of the greatest minds and greatest people in this State to try to solve this problem? And we come here, it's the eleventh hour, and we say, "No bill." Where's...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro, could you...

SENATOR MOLARO:

I'll go to the subject.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...please keep your remarks to the contents of House Bill 449?  
Thank you.

SENATOR MOLARO:

We're -- we're trying to find out where's the bill. Now it comes to the last night. We've come to the last night and we have education. The sponsor's own words, "This is the" -- where are your words, by the way? "This is the biggest thing we'll do all year." He's right. Or, how great it is or our responsibility. I

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

can't remember your exact words. He's right. So we come at the eleventh hour and of all these things that we have to do, that this Legislature must do, we're given this -- we're given this bill. This is the best we could do, for seven months? We knew this was coming down the pike. The Governor spent five hundred thousand dollars on his plan. The media knew all about it. How long have you guys had the bill? How long have we seen this bill? Now we come up and we're getting figures. We don't -- when did we see these figures - 5 o'clock this afternoon? Cigarette tax, a phone tax: Where did this all come from? I've been here. I've been in committees. I've talked to you guys. I've never heard of this before. It came out of nowhere. This is the best we could do, for seven months? Here it is the last day, I'm ready, and we're talking about this? This is what we're talking about? This bill -- you know, this is a disgrace, and I urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Clayborne -- Senator Carroll, for a second time.

SENATOR CARROLL:

I apologize, Mr. President, Members of the Senate. But I've been sitting here listening, and just to compare what's going on. Governor proposed an income tax, as I understand it, of a billion five hundred million dollars. I think that's clear and concise and not debatable. And State income tax is deductible from your federal tax return. Average person in Illinois is supposed to be at roughly twenty-eight-percent tax on the federal return. So you take off about four hundred and fifty million dollars of that, that they're really not paying 'cause they're getting it back from their federal tax return. So the cost of this income tax is really a billion fifty million dollars out-of-pocket. But the Governor's proposal also said you'll get back nine hundred million dollars in property tax relief. So you're down to an out-of-pocket tax cost

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

of a hundred and fifty million dollars to provide approximately six hundred and fifty million dollars of more money for education, permanency, stability and a foundation. The plan in this bill taxes people a hundred and fifty million dollars out of their pocket. Same amount of money, but instead of providing permanency, a foundation and six hundred and fifty million dollars with a forever ability, it produces less than two-thirds of that amount to actually go to education, about four hundred and twenty-five million dollars for this year and a foundation for next year - no discussion after that. It doesn't make sense to take the same amount of money from the people's pockets and do an awful lot less for 'em. It just doesn't make sense.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Clayborne, for a second time.

SENATOR CLAYBORNE:

Yes. I just rise for a point of personal privilege, since Senator Watson addressed me. And as I stated, Senator Watson, during my first time, that the glass is half full or half empty. Under the Governor's proposal, Senator Watson, I would have received -- East St. Louis would have received 6.7 million dollars, plus property tax relief. And you stand up and -- and say that I should be happy for two million dollars. Again, Senator Watson, is the glass half full or is it half empty?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Demuzio, for a second time.

SENATOR DEMUZIO:

On the -- well, Frank Watson -- Frank Watson mentioned everybody, so blame him. Senator, you know...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

...everybody keeps talking about - and I made a note - the

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

whole issue is about more money for schools. You guys don't get it. It is not more money for schools. It's a fundamental change in the manner and form in which we fund education. It's about fairness, equity -- equity and adequacy. You just don't get it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Jones.

SENATOR JONES:

Thank you, Mr. President. You know, listening to all the debate on this very critical issue, it make me wonder why did the Governor, three months ago or four months ago, called me and said, "I'd like to have two Members from your caucus. We're going to ask Senator Philip to give me two Members from his caucus. Representative Daniels will give two Members and Speaker Madigan, two Members." He said, "Education is a very complex issue. These gentlemen will come together and attempt to come up with a consensus on reforming the way we finance education in Illinois." I was a little skeptical because I didn't believe that the Governor was sincere in trying to deal with a problem that this Legislature has been attempting to deal with for the last fifteen or twenty years. You can look at all the campaign brochures of legislators, governors, U.S. senators, congressmen - everyone - the number one priority is education. I was suspect because after Senator Berman and other -- other colleagues had put forth a constitutional amendment to require that the burden of financing education should be on the -- the State, rather than property tax, and the Governor came out the day before election in 1992 and said he was voting against that. So I was suspect. I talked with my two appointees about this because I did not want to be blamed for the failure of the way we finance education in Illinois. Then later on, the committees met and they met, and they came to a consensus, Senator Watson, because you were there. They came to a consensus, Senator Cronin, because you were there, on the issues

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

that they felt that we could agree on and also the issues they felt that they could not indicate which way we should go. There was no such thing as a Minority consensus report. That report indicated that it was the consensus of the eight Members that we should raise the State income tax, we should cut property tax, and we should take a billion two hundred million dollars and cut property tax and put six hundred million dollars into education. In the meetings we had in the Governor's Office, with myself and your Leader, Speaker Madigan and Minority Leader Lee Daniels, not one time during that period did I hear that you were not in favor of this. So I believed the Governor was sincere. I believed, for the first time in fifteen or twenty years, we were really going to do something about education. But listening to these speeches today, I found out that I was wrong in my belief. There -- there was no sincerity whatsoever to do anything about this. There was nothing in -- there was nothing in your intentions of cutting the property taxes across the State of Illinois, relieving the burden of senior citizens, who are on fixed income, from paying for education and shift it to the State income tax where many retired citizens on fixed income do not pay. They may receive two, three, four hundred dollars a year rebate, but not to come to this and say, "No, we're not going to give you that." Instead we're going to tax you with a very regressive tax. The person on a fixed income, Senator Cronin, will pay just as much on that message tax if he has only twenty thousand dollars a year in income as the person making two hundred thousand dollar a year in income. Is that fair? No, it's not fair. I didn't like giving tax breaks to the farmers, but in the consensus report, you had it in there. You deceived your own Governor. You put that in there. Then there was those who felt we must do something for the renters. So that was included in the -- in the bill. Now we stand here on May the 30th, and you talk about fairness and openness. And I'm very

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

shocked that my colleague, your Leader, would say how he was treated. I did serve ten years under the former Senate President, Phil Rock, and sometime, as a Democrat, I felt he may have been too fair. Every bill, every amendment, whether he was for it or against it, was given the fair opportunity for the Members to have that amendment heard and debated and voted on on its merits. I listened to my good friend, Senator Madigan, on the other side, who said he reluctantly rised in support of this package. But it takes courage to do what is right. It takes courage to do what is in the best interests of the children across the State of Illinois. When I talked to Senator Berman about the Governor's plan, he said, "There are seven hundred thousand children in Illinois who are receiving less than seven -- less than thirty-nine hundred dollars per year to meet their education." And he said, "They are not in your district. But it is your duty as a legislator, if you are sincere about taking care of the children of Illinois, you must do the right thing." Those children are not in the City of Chicago. They're in your district, Senator Watson. They're all in southern Illinois. Quite a few of them. You talk about how much money is going to southern Illinois; this plan is less than -- is less than the Governor's plan. The Governor's plan would have given a hundred and forty-three million dollars more to southern Illinois to take care of his schools. But we've been deceived. I recognize -- and I told the media. They said, "Senator Jones, how many votes will come from this side of the aisle?" Here's my comment to you: If you have the courage, on the other side of the aisle, to do what is right, to do what is right for the children of Illinois, you will let that bill come to the Floor. And I guarantee you the Governor's bill will get at least thirty-six to forty votes, if you had the courage to do what is right. The proper motion has been filed with you, Mr. Secretary, Mr. President - the motion to discharge -

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

if you are genuinely sincere in doing the right thing, and some of you want to do that. Some of you have been browbeaten. You lack the courage, you lack -- you lack the will, to do what is right. I didn't trust the Governor, but when he said that he wanted to do this, to be frank and honest with you, I was shocked, for the Governor to come out and say the income tax is the most fairest way to do it. Those who pay it are those who can afford to pay it. It doesn't hit the elderly. The more you make, the more you pay. That's the fairest tax, not the regressive message tax. There was even talk about sales tax, and I won't mention some of the other taxes that was reported in those little meetings we had downstate, but you heard about 'em. The most fairest way to fund education, shift it from the property tax, reform it, and put it on the income tax. The fairest way. And you will begin to deal with the serious problem we have in the -- here in Illinois. But, again, here we stand, one day before adjournment, and we would have accomplished nothing. And my fears was right. Why in the heck did I appoint Senator Berman and Senator Demuzio to spend all that time with you, Senator Cronin, and you, Senator Watson, and you lack the courage to support what you really believed in. Shame on you. Shame on all the people of the State of Illinois for having to put up with all the advertisements that went on TV, all the literature that we put out constantly saying education is our number one priority. And the plan we have before us, nothing built in to ensure that the proposed dollars that you talk about will go to education, nothing to -- nothing to ensure in the year two, three, four, down the line, nothing to say that dollars are going to education. Just a -- another simple Band-Aid approach. It's unfair to you. It's unfair to the people that we represent, and it's unfair to Senator Berman, Senator Demuzio. Senator Cronin and Senator Watson, you should join with him and support, support this motion to discharge. If you really believe in what you were doing

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

during all the -- these last three months that you were meeting, you would support and you would tell Senator Philip, "My district is hurting." Senator Pate Philip's district has about fourteen or fifteen thousand dollars per year - very wealthy district. He doesn't need it. But you must have the will and courage to fight for your children. You're not doing that. Shame on you. Shame on the system. Shame on all of us. But I'm willing to vote for the Governor's plan, but I'm not going to stand here and pretend that the plan before us is the right one. It's unjust. It's unfair to the Members in this -- in this General Assembly. It's unfair to the Senators, and it's unfair to Senator Berman, Senator Demuzio. You, Senator Watson, you, Senator Cronin, for sitting there all those hours, eating the doughnuts, as you may say, all those hours pretending you wanted to do what was right but lacked the courage or will to stand up and even support the motion to do what is right. I urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Philip, for a second time.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. You know, I have been around here a long, long, long time and I don't ever remember any subject that was any more difficult or any subject that divided our caucus or this General Assembly than school reform. And since my freshman year in the House, we have been reforming education. That's well over thirty years. And you know what? We haven't got the job done, in over thirty years. If you would look at the record on the financial side, you would see under Governor Thompson, for fourteen years, more money every year for education. The same under Governor Edgar. Twenty years of more money for education. We give them more money for twenty years. We've had -- we have less students and test scores are down. I'm suggesting to you that money is not the problem.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

The problem has been what? Reform. If you were a teacher grading the General Assembly, I think when you would look at finances, you would give us an A. If you would look what we've done on reforms, we'd probably get an F or a failure. You know what? We have never been able to figure out how to do it. And people say, "Well, why can't you do it? Why hasn't it happened?" We've got bright, articulate people. We have had commissions. We've had studies. We've done everything there has been to do. And you know what? It's pretty simple: special interest groups. Special interest groups. The Chamber, the manufacturers, the farmers, the unions - everybody's got an ax to grind. Everybody's got a big ax to grind. You know, once in awhile, just once in awhile, we ought to stand up and do what's right for who? The schoolchildren. We want better schools. We want better grades. We want a better system. I looked at the Governor's package, and very honestly, it is the largest tax increase in the history of the State of Illinois. If you'd look at the bottoms-up plan, we increase two taxes, we use some of the growth, we make some cuts, we end up giving to education, again, four hundred and fifty-five million dollars more than last year. If you would look at school reforms, compare the Governor's package versus our package, our package is stronger. As far as I'm concerned, it's not strong enough. All of the things in our package was agreed on with the four negotiators, was agreed upon between the four Leaders and the Governor. We have watered that down. Why is it watered down in the Governor's package? To get the special interest groups on board. That's why it's watered down. There isn't any reforms, if the truth be known. If you would look at the Governor's proposal for building schools and repairing schools, it's a categorical. What is a categorical? We have to come in every year and appropriate money for it. All I can say is: Lots of luck. What does our plan do? We have a revenue stream - enough to raise a

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

billion dollars in bonds a year. With a fifty-fifty match from local people, that's two billion dollars a year to improve schools, build new schools and improve the system that I think is needed. The Governor's plan has about a hundred-and-fourteen-million-dollar shortfall. We do not. You know, if you would look back a little bit in history, the last five years in Illinois the revenue in Illinois, on an average for the last five years, has been up seven hundred and fifty million dollars. This year, the revenue in Illinois will be up closer to a billion than nine hundred million. In my over thirty years here, I have never been here when State revenues have not been up. Never, never down. So I suggest that we ought to treat this budget like we treat our own selves and our own families and our own home: live within our means - there's enough money in this budget; there's enough money with growth to give enough money to education - and then stand up and do something real about reform. And let's, once again, think about the kids.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin, to close.

SENATOR CRONIN:

There's really nothing more I can add. I ask for your favorable consideration. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 449 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 28 Nays, none voting Present. And House Bill 449, having received the required constitutional majority, is declared passed. Senator Demuzio, what purpose do you rise?

SENATOR DEMUZIO:

Oh, I -- I have a motion filed, motion to discharge the motion

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

to concur with House Amendments 1 and 2 to Senate Bill 645 and that further consideration by the Rules Committee and that the motion be referred to the Senate Floor for immediate consideration. I would like to go to that Order of Business for that motion to be discussed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Mr. President. Senator Demuzio has filed a motion with respect to Senate Bill 645.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Mr. Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. I, again, would move to discharge the Rules for the immediate consideration of House Amendments 1 and 2 to Senate Bill 645 and that they be referred to the Senate Floor for immediate consideration. I would ask for a roll call, and -- thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio, the motions were ordered printed on the Calendar, and your motion's out of order. Senator Demuzio.

SENATOR DEMUZIO:

I would appeal the ruling of the Chair, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

That request is in order. Senator Demuzio.

SENATOR DEMUZIO:

Let me withdraw that -- that motion. I would move to suspend the rules for the immediate consideration -- to allow the immediate consideration of House Amendments 1 and 2 to 645. And a roll call, sir.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 30, 1997

Senator Demuzio, the Chair has already acknowledged your motion and has ordered that the motions be printed on the Calendar. And your motion's in order -- your request is in order. Senator Maitland.

SENATOR MAITLAND:

Thank -- thank you very much, Mr. President, Members of the Senate. I'd like the record to show that Senator Hawkinson is not here due to the attendance at his daughter's graduation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further business to come before the Senate? If not, Senator Demuzio -- Senator Watson moves the Senate stand adjourned until 9 a.m., Saturday, May -- May 31st.

MAY 30, 1997

HB-0110 OTHER	PAGE	2
HB-0204 OTHER	PAGE	2
HB-0362 OTHER	PAGE	2
HB-0379 CONFERENCE	PAGE	17
HB-0449 RECALLED	PAGE	19
HB-0449 THIRD READING	PAGE	24
HB-0449 OTHER	PAGE	2
HB-0729 OTHER	PAGE	2
HB-0994 CONFERENCE	PAGE	7
HB-1627 SECOND READING	PAGE	7
HB-1627 OTHER	PAGE	2
HB-1633 OTHER	PAGE	2
HB-1696 SECOND READING	PAGE	7
HB-1696 OTHER	PAGE	2
HB-1707 OTHER	PAGE	2
SB-0001 OTHER	PAGE	2
SB-0002 OTHER	PAGE	2
SB-0077 OTHER	PAGE	2
SB-0131 OTHER	PAGE	2
SB-0138 OTHER	PAGE	2
SB-0175 OTHER	PAGE	2
SB-0320 NON-CONCURRENCE	PAGE	16
SB-0381 CONFERENCE	PAGE	8
SB-0381 OTHER	PAGE	15
SB-0521 CONFERENCE	PAGE	18
SB-0645 MOTION FILED	PAGE	72
SB-0645 DISCUSSED	PAGE	71
SB-0670 CONFERENCE	PAGE	15
SB-0944 OTHER	PAGE	2
SB-0945 OTHER	PAGE	2
SB-1009 OTHER	PAGE	2
SB-1188 FIRST READING	PAGE	6
SR-0089 RESOLUTION OFFERED	PAGE	6
SR-0090 RESOLUTION OFFERED	PAGE	6

SUBJECT MATTER

SENATE TO ORDER-PRESIDENT PHILIP	PAGE	1
PRAYER-SENATOR GEO-KARIS	PAGE	1
PLEDGE OF ALLEGIANCE-LED BY SENATOR SIEBEN	PAGE	1
JOURNALS-POSTPONED	PAGE	1
MESSAGES FROM THE PRESIDENT	PAGE	1
MESSAGES FROM THE HOUSE	PAGE	2
COMMITTEE REPORTS	PAGE	2
COMMITTEE REPORTS	PAGE	3
SENATE AT EASE/SENATE RECONVENES	PAGE	4
COMMITTEE REPORTS	PAGE	4
SENATE IN RECESS/SENATE RECONVENES	PAGE	5
COMMITTEE REPORTS	PAGE	6
MESSAGE FROM THE HOUSE	PAGE	6
COMMITTEE REPORTS	PAGE	16
SENATE AT EASE/SENATE RECONVENES	PAGE	19
ADJOURNMENT	PAGE	73